

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

DANAI-125A

First named inventor: Raymond Call et al

Application No.: 10/038,492

Art Unit: 2644

Filed: January 2, 2002

Examiner: Walter Briney

Title: Three-Way Speaker System Having Translatable Midrange/Tweeter Module

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of RCE (identify type of reply):

☒ has been filed previously on 2-28-06 (copy attached)  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 65.00 for a small entity or \$ 130.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<p><u><i>Bruce B. Brunda</i></u> Signature</p> <p><u>Bruce B. Brunda</u> Typed or printed name</p> <p><u>75 Enterprise, Suite 250</u> Address</p> <p><u>Alsio Viejo, CA 92656</u> Address</p>	<p><u>Apr 18, 2006</u> Date</p> <p><u>28,497</u> Registration Number, if applicable</p> <p><u>949 855-1246</u> Telephone Number</p>
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Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: RCE

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

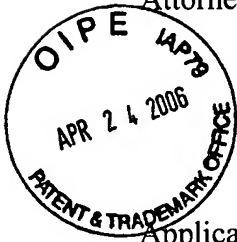
4-18-06  
Date

*Virginia R. North*  
Signature

Virginia R. North  
Typed or printed name of person signing certificate

Application No.: 10/038,492

Attorney Docket: DANAI-125A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Raymond Call et al	)	Confirmation No.	5529
		)		
Serial No.:	10/038,492	)	Art Unit:	2644
		)		
Filed:	01/02/2002	)	Examiner:	Walter Briney
		)		
For:	Three-Way Speaker System Having	)		
	Translatable Midrange/Tweeter	)		
	Module	)		

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**PETITION FOR REVIVAL**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions for revival of the above-identified application based on the grounds that in a telephonic interview with the Examiner the Examiner indicated that the previously submitted response had not been properly entered. A copy of that response is provided herewith at Exhibit 1.

Also submitted herewith is a Request for Continued Examination (RCE) Transmittal and required filing fee.

A Petition for Revival of an Application for Patent Abandoned Unitentionally Under 37 CFR 1.137(b) and the accompanying fee are also enclosed.

Should the Examiner have further questions regarding this matter he is invited to contact Applicant's representative at the telephone number listed below.

Application No.: 10/038,492

Attorney Docket: DANAI-125A

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: Apr 18, 2006 By: Bruce B. Brunda

Customer No.: 007663

Bruce B. Brunda  
Registration No. 28,497  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246  
Fax: (949) 855-6371

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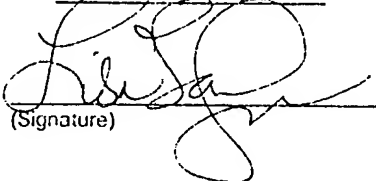
ATTORNEY DOCKET NO: DANAI-125A  
TITLE: THREE-WAY SPEAKER SYSTEM HAVING TRANSLATABLE  
MIDRANGE/TWEETER MODULE

**Certificate of Mailing under 37 CFR 1.8 or 37 CFR 1.10**

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on February 28, 2006

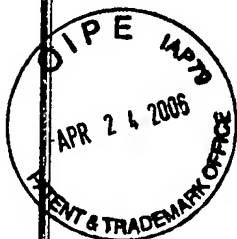
  
(Signature)

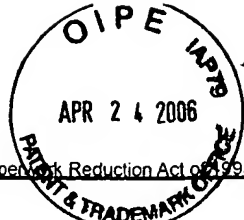
Lisa Taylor

(Typed name of person signing certificate)

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1. Response to Office Action (of 9 pages);
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/038,492
Filing Date	01/02/2002
First Named Inventor	Raymond Call et al.
Art Unit	2644
Examiner Name	Walter Briney
Attorney Docket Number	DANAI-125A

**ENCLOSURES** (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Mailing and Return Postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	STETINA BRUNDA GARRED & BRUCKER		
Signature			
Printed name	Bruce B. Brunda		
Date	February 28, 2006	Reg. No.	28,497

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature			
Typed or printed name	Lisa Taylor	Date	February 28, 2006

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